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March 22, 2024

**VIA ECF**

Honorable Colleen McMahon  
United States District Judge  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007

RE: Pacella v. Hesai Group, et al., 24-cv-876 (CM)

Dear Judge McMahon:

We respectfully write pursuant to Rule I(D) of the Court's Individual Practices and Procedures to request an adjournment *sine die* of the Initial Pretrial Conference scheduled for April 18, 2024, in this putative securities class action because no lead plaintiff has been appointed yet and the case is still at the pleading stage. Plaintiff and all served Defendants join in this request.<sup>1</sup>

By way of background, this Action was initially filed in the Eastern District of New York on April 7, 2023. (ECF No. 1.) Plaintiff asserts putative class claims under Sections 11, 12(a)(2) and 15 of the Securities Act of 1933. (*Id.*) Accordingly, this Action is subject to the Private Securities Litigation Reform Act of 1995, which requires, *inter alia*, the appointment of a lead plaintiff at the outset of the case, 15 U.S.C. § 77z-1(a)(3), and a stay of all discovery and other proceedings pending resolution of any motions to dismiss, *id.* § 77z-1(b)(1). On June 6, 2023, two movants filed competing lead plaintiff motions. (ECF No. 5 (King Ho Wong); ECF No. 7 (Michael Dee).) On June 9, 2023, movant Dee withdrew his motion (ECF No. 8), leaving

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<sup>1</sup> Certain individual defendants located in China have not yet been served or appeared.

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movant Wong's motion unopposed. On August 31, 2023, Magistrate Judge Scanlon so-ordered the parties' stipulation staying "Defendants' time to file an answer or other response to the complaint . . . until after the filing of an amended complaint." (Dkt. Entry dated Aug. 31, 2023.) On January 29, 2024, this Action was transferred to the Southern District of New York and eventually assigned to Your Honor. (Dkt. Entries dated Jan. 29, 2024, and Feb. 7, 2024.) On March 6, 2024, the Court issued an Order setting an Initial Pretrial Conference for April 18, 2024, and directing the parties to propose a Civil Case Management Plan. (ECF No. 24.) Movant Wong's unopposed lead plaintiff motion remains pending.

Rule IV(M) of the Court's Individual Practices and Procedures provides: "In cases governed by the PSLRA there will be NO Rule 16 conference and NO filing of a case management statement until Judge McMahon directs that one be filed." Once movant Wong is appointed lead plaintiff, he intends to file an Amended Complaint, which Defendants anticipate moving to dismiss. Accordingly, the parties respectfully request that the Initial Pretrial Conference and Civil Case Management Plan be adjourned as premature in light of the PSLRA and this Court's typical practice.

Should the Court maintain its preference to proceed with the conference, the parties are fully prepared and amenable to appearing in person at the date and time designated by the Court, namely April 18, 2024, at 11:45 A.M.

This is the first request for such relief and it does not affect any scheduled dates.

Respectfully submitted,

*/s/ Robert A. Fumerton*

Robert A. Fumerton

cc: All counsel of record (via ECF)